

Message Text

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ACTION DLOS-09

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ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01
PA-01 PM-05 SP-02 SS-15 ICA-11 OIC-02 /190 W
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P 271840Z APR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8969

LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 06419

E.O. 11642: XGDS-1,3

TAGS: PLOS

SUBJECT: LOS CONFERENCE - WEEKLY SUMMARY, APRIL 17-21

BEGIN SUMMARY: IN COMMITTEE I, THE NJENGA (NG-1), KOH (NG-2) AND ENGO (NG-3) GROUPS CONSIDERED THE SYSTEM OF EXPLOITATION, FINANCIAL ARRANGEMENTS AND ORGANS OF THE AUTHORITY RESPECTIVELY. THE LL/GDS QUESTION, CONTINENTAL SHELF DEFINITION AND DELIMITATION BETWEEN OPPOSITE AND ADJACENT STATES WERE THE MAIN SUBSTANTIVE ISSUES DEALT WITH IN THE VARIOUS NEGOTIATING GROUPS OF COMMITTEE II.

POLUTION MATTERS CONTINUED TO DOMINATE THE WORK OF COMMITTEE III. NEGOTIATING GROUP 5 (NG-5) DISCUSSED DISPUTE SETTLEMENT IN THE EEZ AND NEGOTIATING GROUP 7 (NG-7) FOCUSED ON THE ISSUE OF DELIMITATION OF MARITIME BOUNDARIES. END SUMMARY.

1. NJENGA ISSUED HIS PERSONAL RE-DRAFT OF ARTICLE 151

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(SEE GENEVA 6274) WHICH IS MORE FAVORABLE THAN THE ICNT FROM THE U.S. POINT OF VIEW. THIS 151 RE-DRAFT WAS NEGOTIATED IN THE SMALL NJENGA GROUP (WHICH INCLUDES THE US) AND HAS NOT YET BEEN DISCUSSED BY THE LARGER NG-1. NJENGA ASKED THE NG-1 TO RESERVE COMMENT ON HIS RE-DRAFT UNTIL MORE ASPECTS OF THE SYSTEM OF EXPLORATION AND EXPLOITATION HAVE BEEN NEGOTIATED.

NG-1 ALSO DISCUSSED THE TRANSFER OF TECHNOLOGY (TOT) AND ANNEX II. ON THE TOT ISSUE, THE EEC PROPOSED THAT A CONTRACTOR BE REQUIRED TO NEGOTIATE WITH THE AUTHORITY IN GOOD FAITH, SUBJECT TO CONCILIATION SHOULD DISAGREEMENTS ARISE. THE US SUPPORTED THIS PROPOSAL.

THE G-77 RESPONDED THAT TOT SHOULD BE GUARANTEED TO DEVELOPING COUNTRIES AS WELL AS TO THE AUTHORITY. THE ANNEX II DISCUSSION WAS INCONCLUSIVE WITH DEVELOPED AND DEVELOPING COUNTRIES MAINTAINING ESTABLISHED POSITIONS. MANY IN THE G-77 CONTINUE TO VIEW THE ENTERPRISE AS A FAVORED ENTITY WHICH WILL ULTIMATELY MINE THE SEABED ALONE AFTER A TRANSITIONAL PERIOD DURING WHICH PRIVATE AND STATE COMPANIES WILL BE PERMITTED TO MINE. THE DEVELOPED COUNTRIES VIEW THE ENTERPRISE AS AN ENTITY WHICH MUST BECOME ECONOMICALLY SELF-SUSTAINING AND MUST COMPETE WITH PRIVATE AND STATE COMPANIES.

IN NG-2, KOH PRODUCED A FLOW CHART OF THE FINANCIAL ARRANGEMENTS UNDER THE ICNT. DURING THE GENERAL DISCUSSION THE US REAFFIRMED ITS COMMITMENT TO ASSIST IN MAKING THE ENTERPRISE WORKABLE THROUGH LOAN GUARANTEES. OTHER DEVELOPED COUNTRIES SUPPORTED US, INCLUDING THE SOVIET UNION, WHICH STATED THAT, ALTHOUGH IT PREFERRED THE ENTERPRISE TO BE FINANCED BY SEABED MINERS, IT WOULD CONFIDENTIAL

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ACCEPT ARTICLE 10(C) (III) OF ANNEX III AS A FALLBACK IF THE G-77 ACCEPTED IT.

ON THE QUESTION OF ENTERPRISE ADMINISTRATIVE COSTS, THE G-77 MAINTAINED THAT SUCH EXPENSES SHOULD BE PAID FROM THE AUTHORITY'S GENERAL FUND BECAUSE THE ENTERPRISE IS THE OPERATING ARM OF THE AUTHORITY. THE US AND OTHER DEVELOPED COUNTRIES MAINTAINED THAT THE ENTERPRISE, LIKE ANY OTHER BUSINESS, SHOULD PAY ITS OWN ADMINISTRATIVE EXPENSES. KOH TOOK THESE POINTS UNDER ADVISEMENT AND WILL PRODUCE LANGUAGE AFTER FURTHER CONSULTATIONS.

THE ENGO GROUP ON INSTITUTIONAL ARRANGEMENTS (NG-3) MET AND DECIDED TO CONTINUE MEETING INFORMALLY AND WOULD INSTITUTE SMALL WORKING GROUPS.

2. COMMITTEE II RESOLVED ITS PROCEDURAL PROBLEMS, AND THE THREE NEGOTIATING GROUPS ON "HARD-CORE ISSUES" (LL/GDS, DEFINITION OF THE OUTER LIMITS OF THE SHELF/REVENUE SHARING AND DELIMITATION BETWEEN OPPOSITE AND ADJACENT STATES) BEGAN MEETING. THE MOST TROUBLESOME PROCEDURAL ISSUE CONCERNED THE DETERMINATION OF "OTHER ISSUES"

INSUFFICIENTLY DISCUSSED IN COMMITTEE, WHICH WERE NOT IDENTIFIED BY THE CONFERENCE PROGRAM OF WORK. THIS QUESTION WAS RESOLVED BY A SUGGESTION FROM THE CHAIR (AGUILAR) THAT THE INTERESTED STATES THEMSELVES ESTABLISH SMALL GROUPS ON THE NON-HARD CORE ISSUES OF MOST INTEREST TO THEM. ALTHOUGH THE COMMITTEE WOULD NOT OFFICIALLY SANCTION THESE GROUPS, THE NECESSARY ADMINISTRATIVE FACILITIES WOULD BE PROVIDED. FURTHERMORE, DISCUSSION OF AN ISSUE IN A CONSULTATIVE GROUP DID NOT PRECLUDE IT FROM BEING RAISED IN THE FULL COMMITTEE.

NEGOTIATING GROUP 4 (LL/GDS) COMPLETED DISCUSSION OF THE MAJOR ITEMS ON ITS AGENDA, INCLUDING THE DEFINITION OF GDS AND WHETHER: THE LL/GDS HAVE A RIGHT OF ACCESS TO CONFIDENTIAL

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THE EEZ LIVING RESOURCES; THAT RIGHT APPLIED ONLY TO THE

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P 271840Z APR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8970

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C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 06419

E.O. 11642: XGDS-1,3

TAGS: PLOS

SUBJECT: LOS CONFERENCE - WEEKLY SUMMARY, APRIL 17-21

SURPLUS; THAT RIGHT IS PREFERENTIAL OVER THIRD STATES;
THE RIGHT APPLIES EQUALLY TO DEVELOPED AND DEVELOPING
LL/GDS. THE DIALOGUE BETWEEN THE COASTAL STATE GROUP
AND THE LL/GDS WAS, ALTHOUGH MOSTLY RESTATEMENTS OF
POSITIONS, USEFUL AS AN OUTLINE OF THE MUTUAL CONCESSIONS
NECESSARY FOR AGREEMENT. CHAIRMAN NANDAN IS NOW UNDER-
TAKING PRIVATE, INFORMAL CONSULTATIONS TO FIND COMPROMISE
FORMULAS.

NG-6 (CONTINENTAL SHELF) BEGAN CONSIDERATION OF A DEFINI-
TION OF THE SHELF LIMIT AFTER RECEIVING THE SECRETARIAT
STUDY ON THE SUBJECT. THE SOVIET UNION IS SUGGESTING
PRIVATELY A NEW FORMULA WITH COASTAL STATE RESOURCE
JURISDICTION BEYOND 200 MILES, WHERE THE MARGIN SO
EXTENDS BUT ONLY TO MAXIMUM OF 250/300 MILES FROM THE
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COAST. THE US HAS REITERATED ITS SUPPORT FOR THE IRISH
FORMULA AND DOUBTS THAT THE SOVIET PROPOSAL COULD BE A
BASIS FOR AGREEMENT.

3. THE US PRESSED HARD FOR ITS PROPOSED COMMITTEE III
AMENDMENTS IN MEETINGS OF THE G-5, IN SPECIAL GROUPS OF
INTERESTED STATES, AND IN COMMITTEE III WHERE
AMBASSADOR RICHARDSON REITERATED THE US RESOLVE TO SEEK
IMPROVEMENTS IN THE ENVIRONMENTAL AND SCIENTIFIC RESEARCH
TEXTS. THUS FAR THERE HAVE BEEN FEW CONCRETE RESULTS.

THE G-5 EXPERTS DISCUSSED THE US PROPOSALS BUT LITTLE HAS
BEEN ACCOMPLISHED. THE UK, USSR AND JAPAN MAY INTEND
TO SUPPORT A CHANGE IN THE INTERVENTION ARTICLE TO
PLACATE FRANCE, BUT THEY DO NOT LIKE THE US PROPOSALS.

THE FORMER LEOPARD POLLUTION DISCUSSION GROUP MET AT THE
INVITATION OF VALLARTA (MEXICO). (INVITEES WERE UK,
FRANCE, USSR, NORWAY, MEXICO, NEW ZEALAND, NIGERIA, INDIA,
CANADA, TRINIDAD AND TOBAGO, BRAZIL AND THE US.) THE
GROUP DISCUSSED THE AMOCO CADIZ INCIDENT AND THE ADEQUACY
OF ICNT FOR DEALING WITH SUCH OCCURENCES. ALTHOUGH MOST
LEOPARD GROUP REPS BELIEVE THE PRESENT INTERVENTION RIGHT
IS ADEQUATE, THEY ARE PREPARED TO CONSIDER FRENCH PROPOSALS
FOR SOME CHANGES.

THERE WAS WIDESPREAD SUPPORT AT THE THIRD COMMITTEE
MEETINGS FOR THE ICNT AND MANY SAID CHANGES WERE
UNDESIRABLE. MOST DELEGATIONS WERE, HOWEVER, SYMPATHETIC
TO FRENCH PROPOSALS FOR DEALING WITH THE AMOCO CADIZ
PROBLEM. THE INFORMAL VALLARTA GROUP LISTING OF ARTICLES
REQUIRING FURTHER CONSIDERATION INCLUDED ALL US-SELECTED

ARTICLES PLUS ARTICLE 21 (FOR CANADA) AND ARTICLE 234 (FOR
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SPAIN). THE PROGRAM OF WORK STARTED WITH THE INTERVENTION
ARTICLES, THEN WENT TO ARTICLES DEALING WITH THE
TERRITORIAL SEA AND FINALLY ECONOMIC ZONE ISSUES. THE
FRENCH PROPOSAL ON ARTICLE 222 IS TO ELIMINATE THE
REQUIREMENT THAT A THREAT BE GRAVE AND IMMINENT, AND TO
MODIFY THE 1969 INTERVENTION CONVENTION DEFINITION OF
MARITIME CASUALTY BY ADDING TO IT "THEREBY CHANGING OR
THREATENING THIS MARINE ENVIRONMENT."

COMMENT: THIS PAST WEEK PROVIDED SOME LIMITED
ENCOURAGEMENT BECAUSE THERE WILL BE A FORUM IN WHICH TO
PURSUE THE US AMENDMENTS AND THERE SEEMS TO BE A WILLINGNESS
TO BROACH THE NO-CHANGE-IN-THE-ICNT-BARRIER AT LEAST WITH
RESPECT TO AMOCO CADIZ-RELATED ARTICLES. ON THE OTHER HAND,
THERE ARE INCREASING INDICATIONS THAT MANY, IF NOT MOST, OF
THE MAJOR MARITIMES WILL NOT SUPPORT ANY OTHER CHANGES AND
MOST INFLUENTIAL DEVELOPING COUNTRIES APPEAR WILLING TO GO
ALONG WITH SUCH AN APPROACH.

4. AT NEGOTIATING GROUP 5, MEXICO, ON BEHALF OF THE COASTAL
STATES, INTRODUCED A PROPOSAL TO DELETE ARTICLE 296(4),
THUS EXEMPTING ALL ECONOMIC ZONE FISHERIES QUESTIONS FROM
COMPULSORY SETTLEMENT. SOME OF THE LATINS INDICATED THAT A
PROVISION FOR COMPULSORY ADJUDICATION IN THE CASE OF ABUSE
OF RIGHTS MIGHT BE ACCEPTABLE, IF IT WAS APPLIED ACROSS THE
BOARD. THE SOVIET UNION PROPOSED TO EXEMPT FROM
ADJUDICATION DISPUTES CONCERNING ARTICLE 66 (SALMON) AND
ALSO PROPOSED TO REVISE ARTICLE 297 (1) (B) TO ELIMINATE
THE OPTIONAL EXCEPTION FOR COASTAL STATE LAW ENFORCEMENT.
SWITZERLAND AND OTHERS SUGGESTED REVISING ARTICLE 296(4) TO
ALLOW FISHERIES DISPUTE SETTLEMENT WHERE THE EXISTENCE OR
EXTENT OF COASTAL STATE RIGHTS ARE IN DOUBT. AT WEEK'S END

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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 06419

E.O. 11642: XGDS-1,3
TAGS: PLOS
SUBJECT: LOS CONFERENCE - WEEKLY SUMMARY, APRIL 17-21

EXTENT OF COASTAL STATE RIGHTS ARE IN DOUBT. AT WEEK'S END
THERE WAS NO CLEAR TREND IN THE DEBATE.

NEGOTIATIONS IN GROUP 7, ON DELIMITATION OF MARITIME
BOUNDARIES AND RELATED DISPUTE SETTLEMENT, WERE GENERAL
AND INCONCLUSIVE WITH A REPETITION OF PREVIOUS POSITIONS:
SOME STATES CONTINUE TO FAVOR A RULE OF EQUITY, OTHERS
SUPPORT THE MEDIAN LINE ABSENT SPECIAL CIRCUMSTANCES.
THERE IS PRACTICAL CONSENSUS ONLY ON THE FACT THAT
DELIMITATION SHOULD BE BY AGREEMENT WHERE POSSIBLE, AND
THAT THE RESULT SHOULD BE EQUITABLE. CHAIRMAN MANNER
OF FINLAND INDICATED AN INTENTION TO ENGAGE IN INFORMAL
CONSULTATIONS OVER THE WEEKEND. RICHARDSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, EXPLORATION, COMMITTEES, MEETING REPORTS, FINANCIAL AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 apr 1978
Decaption Date: 01 jan 1960
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
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Disposition History: n/a
Disposition Reason:
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Enclosure: DG ALTERED
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Review Event:
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Review Transfer Date:
Review Withdrawn Fields: n/a
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Subject: LOS CONFERENCE - WEEKLY SUMMARY, APRIL 17-21 BEGIN SUMMARY: IN COMMITTEE I, THE NJENGA (NG-1), KOH (NG-2) AND ENGO (NG-3) GROUPS CONSIDERED THE SYSTE
TAGS: PLOS
To: STATE LOS ANGELES
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